

On this commission of 10-members, the Ambassador at Large will be a non-voting member. The President or the executive branch will be entitled to three commissioners and in Congress the President's party in each House will be entitled to an additional position on both sides for a total of five, and the opposing party, in this case it would be the Republicans—Democrats control the White House—the Republicans would be entitled to two appointments from both the House and the Senate, for four.

This commission, being an independent commission, will have the authority to investigate, to conduct hearings to find out what is happening with religious freedom around the world, and be able to make a report to the administration on their recommendations on how to alleviate religious persecution.

I might mention our goal is not to punish any country that is violating or persecuting anybody because of their religious beliefs. The goal is not to punish anybody. Our goal is to change behavior. Our goal is to eliminate religious persecution. Our goal is to expand religious freedom worldwide, and we have gone to great lengths to do that.

Our bill says the commission will make its recommendations to the President and to Congress by May 1. There is also an additional report that is made by the State Department on the advice of the Ambassador at Large, and the State Department gives a country-by-country review of religious freedom. They report that yes, there has been progress in some countries or no, there has not been progress, but rather significant persecution in basically all countries with whom we have relations.

I might mention we have human rights reports right now, human rights reports that cover these countries. But for the most part, in many cases, we have been silent on religious freedom in those countries. So now we will be talking about an annual report on religious freedom and persecution.

And then we talk about responses, what can we do if we find that some countries are violating individuals' or people's religious freedom. Under the proposal, we have some positive things to promote religious freedom.

The International Religious Freedom Act has several measures to promote religious liberty abroad. We have USAID funding for legal protection of religious freedoms in restrictive countries. International broadcasting can be used to promote religious freedom. Fulbright exchanges, for example, of religious leaders and scholars and legal experts can be used. Religious freedom awards and performance pay for meritorious Foreign Service officers; equal access to embassies for U.S. citizens at the embassy's discretion for nationals for religious activities on terms not less favorable for other nongovernmental activities; training for Foreign Service officers and refugee and asy-

lum personnel to ensure the promotion of religious liberty, and accurate reporting of religious persecution and relief for victims of persecution.

We also have steps to directly target those agents and those countries that are responsible for religious persecution, and we have several of those. Some people have said, well, those are various sanctions. And these people, talking about sanctions, they usually think, well, we are going to have a wheat embargo. That is what happened during the Carter administration when the Soviet Union invaded Afghanistan. I don't see that happening.

There are several items, so-called sanctions. We have 1 through 15, and I might mention the first one is a private demarche. The second one is an official demarche. Those can be letters to the embassy: We have reports of people being persecuted; we hope you don't do that anymore. It might be a call to the Ambassador. It might be a call to the Secretary of State or to the diplomatic personnel that there are reports of religious persecution; we want that to be changed. Or it could be more serious. We could cancel a scientific visit. We could have cancellation of a cultural exchange. We could deny one or more State visits. We can cancel State visits. We can do several things.

And then we go into the possible range of economic sanctions. Some people say, well, wait a minute, should you do this? Let's talk about it. These economic sanctions are only for the most egregious or the more, what we define under our bill as particularly severe violations of religious freedom. And particularly severe violations of religious freedom deals again with torture, imprisonment, deals with death, again the most egregious forms of religious persecution. And in those areas we have some economics—the withdrawal, limitation or suspension of development assistance. We have direction of the director of OPEC or TDA or EXIM not to approve guarantees, or we have the withdrawal, limitation or suspension of security assistance. I might mention it says "limitation." It wouldn't have to be 100 percent. It could be 5 percent or it could be a little bit more.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. LOTT. Mr. President, I ask—

Mr. GRAMM. I object.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. So that everybody will relax, I understand when I make some remarks and schedule announcements we will go back in a quorum. Nobody is disadvantaged. Nothing is going to change.

I have requested this time for two purposes.

No. 1, to say that we do have a lot of work we need to do. One of the things I am considering doing here momentarily is going to a nomination so we will have time to work through and agree on a unanimous consent request.

But the other thing is, I think right now we are seeing the worst of the Senate, the worst of the Senate on all sides. We have work to do. We have about 48 hours left. We have several bills that people want to get done, vocational education, religious persecution—a number of other bills that have been worked on all over this Capitol. Many of them will be overwhelmingly or unanimously supported. And here we are, now, locked in a procedure where neither side will agree to anything. I just don't think it is in the best tradition of the Senate. I realize the Senate always works at the pleasure of any one Senator, but I think we also work because we always seek consensus.

I am for H.R. 10. I have been for that legislation from the beginning. I have given a lot of time to try to move it forward. I know there are people who have objections to it. As a matter of fact, some of the objections that they have, I agree with. It is not a perfect bill. But I think that we need to try to find a way to work through this, where we can continue to do business. I will do everything I can to make sure that neither side is disadvantaged. I have two of my very closest friends and colleagues that have major problems with this bill, but I am also very committed to dealing fairly with those who are for the bill. I want to try to continue to work to find a way to get it done. So I don't think it really serves either side to just shut us down here at 6:15, 2 days before we go out, and not allow us to get anything else done tonight.

So, I am going to appeal to both sides to work with me, to try to find a way to get this business done that we can do, some nominations that are not controversial on either side, and the religious persecution bill, and vocational education—and without disadvantages to anybody. So I ask Senators on both sides to do that. I appeal to them. And I will help try to make this happen.

But I want to go on the record saying that I think this spectacle that we are seeing right now is very unbecoming of the Senate, and rather than just steam about it, I thought I would say it publicly. I feel better now, Mr. President.

Momentarily I will move to a nomination or I will ask for a unanimous consent agreement that will allow us to complete action on the religious persecution bill. But I must say to both sides, I will not let either side gridlock the Senate. I will not do it. I will use

every tool at my disposal and I will also do everything publicly I can to make sure people understand who is not being cooperative in this effort.

I observe the absence of a quorum.

Mr. NICKLES. Will the majority leader withhold that request? One of the things we probably should have done a little earlier—I didn't know we were going to get stuck in this mess—would the majority leader go ahead and propound the unanimous consent request that we go ahead and vote tomorrow morning at 9:30 on the Religious Freedom Act, because I don't think there is any objection to that. I don't know how long this little debate will go, but I want to make sure we get that request made.

Mr. LOTT. I ask unanimous consent that the recorded vote on religious persecution occur at 9:30 on Friday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I suggest the absence of a quorum.

Mr. LEVIN. Will the majority leader withhold just for a moment?

Mr. LOTT. I will be glad to.

Mr. LEVIN. During this quorum call, would anyone be inconvenienced if some of us who want to speak as in morning business be allowed to speak?

Mr. LOTT. There is a problem with doing that until we get this agreement worked out. We would actually go to H.R. 10, as I understand it. I would like for us to use this time, but both sides are still apprehensive about it. I asked for this time as majority leader and got it but I think, beyond that—we cannot do it.

Mr. LEVIN. Again, reserving the right to object, I obviously won't, would the majority leader then, in the UC that you are working on, make provision, then, for 30 minutes for morning business for me at the end of whatever else is going to be done here?

Mr. LOTT. I will be glad to do that. And I would like for other Senators who might have a need for morning business time to get that time. We will block that in before we finish up with the UC.

Mr. LEAHY. Mr. President, reserving the right to object, I will not, but will we also at sometime before the chariots suddenly disappear on Sunday or Monday or whenever it happens—will we go to some of the judges?

Mr. LOTT. We are working now to go to No. 597, which is a State Justice Institute position. And we are working to try to go to the nomination of Mr. Paez. There are those who want time to talk about that. I hope we could do that tonight and tomorrow. But we will continue to try to get agreement on Paez. That is the one we are working on right now. We will either get to debate and vote on that tonight or, more likely, it looks like now, tomorrow.

Mr. LEAHY. If I may comment further, Mr. President, I will not delay this further. We have about 25 on the calendar itself—judges. I hope during

the next few hours, or early tomorrow, the majority leader and I and a couple of others who are interested in this—Senator HATCH I am sure is—and others, that we might have a chance to talk about moving some of these other judges.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 10 now be the pending business, and immediately following the reporting by the clerk, the Senate resume H.R. 2431—that is the religious persecution bill—and that following the conclusion or yielding back of the time, the previous consent governing H.R. 2431, commence. I further ask that following the disposition of time on H.R. 2431 this evening, the clerk then report H.R. 10, and the Senate then proceed immediately to a period for morning business.

Mr. SARBANES. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I would like to inquire of the majority leader, I take it, then, that it is not the intention of the majority leader to file a cloture motion on H.R. 10 this evening.

Mr. LOTT. It is not my intention to do that.

Mr. SARBANES. It is, therefore, the intention of the majority leader to let this day pass and go over into another day; in other words, we lose a day on a cloture motion if one were to be filed.

Mr. LOTT. We do, because as I have assessed the situation, there are enough opportunities for cloture votes and delays that it would take us into next week. If you just look at the math, that is where it would go. You can go back and examine how we got in this position, and the answer is very simple: We have been trying to do other bills.

The only way we are going to get H.R. 10 now is by concession and by consensus, which is quite often the way the Senate works. We are going to have to see if we can find a way for Democrats who have worked on this bill and Republicans who have worked on it, some who have problems with it on both sides, can come together. There is also a concern from Secretary Rubin about a provision in the bill. But I would like to get it done. But we are not going to get it done by cloture motions. Therefore, I have no problem with going over another day and continuing to work and hope that we can

find a way to come to an agreement on this bill.

Mr. SARBANES. I simply point out to the majority leader that the bill came out of the committee 16 to 2; that the relevant cloture vote we had where people differed was 88 to 11. There is extremely strong support for this legislation. It is obviously being frustrated and thwarted by a handful of people.

It was my concern that the opportunity to file this cloture motion not pass. In view of the statement of the majority leader that he has no intention to do that, to file the cloture motion, I am not going to object to the consent request, and then we move over until tomorrow. I wanted to keep this window of opportunity available, and now that I know that the majority leader has no intention of availing himself of it, I am prepared to agree to this consent request.

Mr. LOTT. If the Senator from Maryland is trying to get the majority leader to take full responsibility for not filing cloture today, I accept it. It is my goal to get a bill, and I concluded that another cloture motion at this time on this bill is fruitless. I am perfectly willing to accept that responsibility.

Mr. SARBANES. Let me also point out to the majority leader that the effort to try to develop accommodations has to be a broad-based effort.

Mr. LOTT. It surely does.

Mr. SARBANES. When we come in with 88 people on one side of the equation, if the 11 are going to hold us hostage or some of the 11 hostage—actually the word "extortion" was used in another context in the debate on the floor of the Senate.

Mr. LOTT. You wouldn't want to use that word. I think I have a card here I can call you on.

Mr. SARBANES. People are going to be highly resistant, I might say to the majority leader.

Mr. LOTT. I want to remind the Senator from Maryland, I was one of the 88, not one of the 11, but the 11 is on both sides of the aisle. We are never going to get an agreement until we get the 11 to feel comfortable that they have the opportunity that they are entitled to under the rules to make their point. It is the wonderful way the Senate works.

Mr. SARBANES. I know, but a lot of us have given at the committee over and over again to get the bill where it is.

Mr. LOTT. That is the price you pay for that wonderful assignment. It is a great committee to be on. You get all that good stuff. We did the credit union bill this year. A lot of credit goes to everybody for that.

Mr. SARBANES. We did the housing bill.

Mr. LOTT. Housing bill, you have done a lot of good stuff.

Mr. SARBANES. A lot of good work.

Mr. LOTT. I think I want on that committee next year.

Mr. SARBANES. We would welcome you. You would be a valuable addition